



THE METROPOLITAN WATER DISTRICT  
OF SOUTHERN CALIFORNIA

Office of the General Counsel

**Via E-mail and U.S. Mail**

August 10, 2017

Mark Hattam, Esq.  
General Counsel  
San Diego County Water Authority  
4677 Overland Avenue  
San Diego, California 92123-1233

Re: CPRA Request of October 6, 2016

Dear Mr. Hattam:

Your letter of August 9 (attached) requests that Metropolitan Water District of Southern California (Metropolitan) "immediately produce" the appraisal, [of all or a portion of the Delta Wetlands properties purchased by Metropolitan] referenced by Metropolitan's General Manager, Jeff Kightlinger, at a meeting at the Rincon del Diablo Municipal Water District on August 8, 2017. You assert that the referenced appraisal should have been produced in response to SDCWA's request pursuant to the California Public Records Act (CPRA) dated October 6, 2016.

As you know, Metropolitan's obligation when responding to a request for documents pursuant to the CPRA is to provide responsive documents that Metropolitan has in its possession.

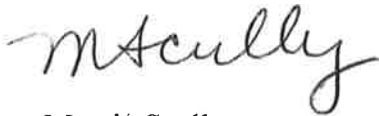
I have confirmed with both Mr. Otake and Mr. Kightlinger that Metropolitan did not receive copies of appraisals of the Delta Wetlands properties obtained by the prior owners and did not, in 2016, have appraisals of all or a portion of the Delta Wetlands properties.

Mr. Kightlinger's statement, as you have paraphrased it, was that "*there was an appraisal that was four years old on it.*" Mr. Kightlinger confirmed today that he was aware of an appraisal, he did not receive a copy of the appraisal, and, further, that he did not state that Metropolitan had obtained copies of the appraisal.

Mark Hattam, Esq.  
August 10, 2017  
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Metropolitan fully complied with SDCWA's request for records pursuant to the CPRA dated October 6, 2016.

Sincerely,

A handwritten signature in cursive script, appearing to read "M. Scully".

Marcia Scully  
General Counsel

Attachment

cc: Metropolitan Board of Directors  
SDCWA Board of Directors  
Jeffrey Kightlinger, General Manager  
Bryan Otake, Senior Deputy General Counsel  
Maureen Stapleton, SDCWA General Manager

## **Attachment**



## San Diego County Water Authority

4677 Overland Avenue • San Diego, California 92123-1233  
(858) 522-6600 FAX (858) 522-6568 [www.sdcwa.org](http://www.sdcwa.org)

### MEMBER AGENCIES

Carlsbad  
Municipal Water District

City of Del Mar

City of Escondido

City of National City

City of Oceanside

City of Poway

City of San Diego

Fallbrook  
Public Utility District

Helix Water District

Lakeside Water District

Oliverholm  
Municipal Water District

Otay Water District

Padre Dam  
Municipal Water District

Camp Pendleton  
Marina Corps Base

Rainbow  
Municipal Water District

Ranoma  
Municipal Water District

Rincon del Diablo  
Municipal Water District

San Diego Water District

Santa Fe Irrigation District

South Bay Irrigation District

Vallecitos Water District

Valley Center  
Municipal Water District

Vista Irrigation District

Yuma  
Municipal Water District

### OTHER REPRESENTATIVE

County of San Diego

August 9, 2017

### VIA U.S. Mail and Email

Marcia Scully, Esq.

General Counsel

Metropolitan Water District of Southern California

P.O. Box 54153

Los Angeles, CA 90054

Re: PRA Request of October 6, 2016

Dear Ms. Scully:

On October 16, 2016, the Water Authority sent a Public Records Act request to MWD, a copy of which is attached as Exhibit "A". The letter specifically requested all appraisals of any of the Delta Island properties MWD bought last year:

1. All appraisals for any of the "Property", as that term is identified in section 1.1 of the "PURCHASE AND SALE AGREEMENT AND JOINT ESCROW INSTRUCTIONS" made and entered into as of April 8, 2016, by and between Delta Wetlands Properties and The Metropolitan Water District of Southern California.

In response to this request, MWD produced a number of documents, but no appraisals. I was very surprised that MWD had made such a costly land purchase without a single appraisal, and so I wrote to Bryan Otake (the MWD staff member who had responded to the production request; copy attached as Exhibit "B"), and asked this question:

Bryan, thanks much for the response. I see no formal appraisals in the production. Is it correct that MWD has no actual appraisals in its possession for any of the Delta Islands it purchased? Just want to confirm we are not missing something.

In response, Mr. Otake wrote me back and confirmed that MWD had no appraisals in its possession. (Exhibit "C").

Given this history, I was very surprised to learn that last night, in responding to questions from the Rincon del Diablo Municipal Water District Board of Directors, MWD General Manager Jeff Kightlinger said, as to the Delta Islands properties: "[T]here was an appraisal that was four years old on it." Mr. Kightlinger then went on to explain that it was the MWD Board of Directors, not MWD staff, who made the decision "another" appraisal was not necessary.

Demand is hereby made that MWD immediately produce the appraisal identified by Mr. Kightlinger, which clearly should have been produced last year pursuant to our PRA request. The PRA request was not limited to recent appraisals, or appraisals MWD performed, but "All appraisals for any of the 'Property,' . . . ."

Sincerely,



Mark J. Hattam  
General Counsel

Cc: Water Authority Board of Directors  
MWD Board of Directors  
Ms. Maureen Stapleton  
Mr. Jeffrey Kightlinger

# EXHIBIT A



## San Diego County Water Authority

4677 Overland Avenue • San Diego, California 92123-1233  
(858) 522-6600 FAX (858) 522-6568 [www.sdcwa.org](http://www.sdcwa.org)

October 6, 2016

Ms. Dawn Chin  
Board Executive Secretary  
Metropolitan Water District of Southern California  
P.O. Box 54153  
Los Angeles, CA 90054-0153

Re: Request for Records Under California Public Records Act  
(California Gov. Code § 6250 *et seq.*)

Dear Ms. Chin:

This letter constitutes a request under the California Public Records Act for the following materials:

1. All appraisals for any of the "Property," as that term is identified in section 1.1 of the "PURCHASE AND SALE AGREEMENT AND JOINT ESCROW INSTRUCTIONS" made and entered into as of April 8, 2016, by and between Delta Wetlands Properties and The Metropolitan Water District of Southern California.
2. All closing escrow statement(s) for any of the Property (as identified in #1 above) purchased by Metropolitan Water District of Southern California under the "PURCHASE AND SALE AGREEMENT AND JOINT ESCROW INSTRUCTIONS" made and entered into as of April 8, 2016, by and between Delta Wetlands Properties and The Metropolitan Water District of Southern California.

Please let me know immediately what the cost will be of photocopying these materials so we may issue payment. If you have any questions, please call me. Thank you.

Sincerely,

Mark J. Hattam  
General Counsel

cc: MWD Public Records Administrator (by email at [publicrecords@metrowater.org](mailto:publicrecords@metrowater.org))

# EXHIBIT B



**From:** Hattam, Mark [mailto:MHattam@sdewa.org]

**Sent:** Monday, October 17, 2016 7:46 AM

**To:** Otake, Bryan M

**Cc:** Thompson, Frances

**Subject:** RE: Response to Your Request for Records Under the California Public Records Act (Delta Islands Transaction)

Bryan, thanks much for the response. I see no formal appraisals in the production. Is it correct that MWD has no actual appraisals in its possession for any of the Delta Islands it purchased? Just want to confirm we are not missing something.

Mark J. Hattam

General Counsel

San Diego County Water Authority

4677 Overland Avenue

San Diego, CA 92123

(858) 522-6791

[mhattam@sdewa.org](mailto:mhattam@sdewa.org)

# EXHIBIT C

**From:** Otake, Bryan M [mailto:BOtake@mwdh2o.com]

**Sent:** Monday, October 17, 2016 9:17 AM

**To:** Hattam, Mark

**Cc:** Thompson, Frances; Nagai, Carol A

**Subject:** RE: Response to Your Request for Records Under the California Public Records Act (Delta Islands Transaction)

Dear Mark,

It is correct that there were no formal appraisals. Only valuations and comparable studies were undertaken by staff.

Bryan Otake  
Senior Deputy General Counsel  
Metropolitan Water District of Southern California  
P.O. Box 54153  
Los Angeles, California 90054-0153

213-217-6327 p

213-217-6890 f

[botake@mwdh2o.com](mailto:botake@mwdh2o.com)

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